

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12153 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

AMBARAM KEVALRAM BY PAH

JINABHAI PARSHOTTAMABHAI

Versus

STATE OF GUJARAT

Appearance:

MS KJ BRAHMBHATT for Petitioner

MR VM PANCHOLI, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 20/07/1999

ORAL JUDGEMENT

Heard Ms KJ Brahmbhatt, learned counsel for the petitioner and Mr VM Pancholi, learned AGP for the respondents.

2. In this petition, the petitioner has challenged the order dated 28.9.1993 passed by the State Government under Section 34 of the Urban Land (Ceiling & Regulation) Act, 1976 declaring 214 sq.mtrs. of the petitioner's land as excess vacant land and directing the

Competent Authority to proceed further in the matter.

3. While admitting the petition on 9.12.1993, this Court had granted ad-interim injunction against implementation of the impugned order. Thereafter, the ad-interim relief was confirmed. The authorities have not taken over possession of the land in question from the petitioner, which fact is not in dispute in view of the instructions contained in the letter No. KS/30SCA/General/99/V-4, dated 23.6.1999 from the Section Officer, Revenue Department, Government of Gujarat to the Government Pleader.

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the order impugned in the present petition does not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

July 20, 1999 (M.S. Shah, J.)

sundar/-